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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,557	01/25/2000	Clifton E. Scott	QCPA990422	7293

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

MILORD, MARCEAU

ART UNIT PAPER NUMBER

2685

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,557

Applicant(s)

SCOTT, CLIFTON E.

Examiner

Marceau Milord

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 0200.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy, III et al. (US Patent No 6405033 B1) in view of Brilla et al (US Patent No 6389276 B1).

Regarding claims 1-8, Kennedy discloses a wireless communication device (fig. 1) comprising: a receiver (12 of fig. 1 or 46, 42 of fig. 1) for receiving an incoming signal; a transmitter (12 of fig. 1 or 42 of fig. 1) for transmitting an outgoing signal (col. 1, line 53- col. 2, line 29); memory (40 of fig. 1) for storing data (col. 4, lines 46-67); an input device; a processor (38 of fig. 1) for accepting input and operably connected to memory for controlling said transmitter and said receiver (col. 4, lines 32- 45 ; figs. 13A-15; col. 5, line 17- col. 6, line 23; col. 9, line 12- col. 10, line 65; col. 14, lines 11- 64).

However, Kennedy does not specifically disclose an input device that receives an incoming call and places the wireless communication device into a delay mode.

On the other hand, Brilla et al, from the same field of endeavor, shows in figure 2, a message platform 112 which is configured for integrating the advantages between a voicemail system 110 at a customer premises 108 and digital wireless telephone systems 120 that enable a

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user of a digital telephone 122 to receive wireless commands to activate a message waiting indicator on the digital telephone 122 indicating storage of a voicemail message at the voicemail system 110. The message platform 112 is configured for generating a notification message to the digital wireless telephone network 120 serving mobile unit 122, where the mobile unit 122 is used by the voice subscriber. In addition, the message platform 112 can detect the notification request sent by the voicemail system 110 to the PBX 102 for illumination of the message-waiting indicator 112 (col. 7, line 8- col. 8, line 39; col. 9, line 61- col. 11, line 44). Since the wireless network 120 has the capability to transmit command to the digital telephone 122, and it also includes a short message service server 130, it is considered that the digital telephone 122 can be placed automatically in a call delay answering mode when it receives the command from the system.. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Brilla to the communication system of Kennedy in order to allow a user the flexibility to receive conveniently an incoming wireless telephone call.

Regarding claims 9-18, Kennedy discloses a method (fig. 1) of responding to an incoming call in a wireless communication device including the steps of: receiving (12 of fig. 1 or 46, 42 of fig. 1) an incoming call from a calling party (col. 1, line 53- col. 2, line 29); and completing connection of the call (col. 4, lines 32- 45; figs. 13A-15; col. 5, line 17- col. 6, line 23; col. 9, line 12- col. 10, line 65; col. 14, lines 11- 64).

However, Kennedy does not specifically disclose the steps of determining whether to place the incoming call into a delay mode based relative status information; and muting the call locally.

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On the other hand, Brilla et al, from the same field of endeavor, shows in figure 2, a message platform 112 which is configured for integrating the advantages between a voicemail system 110 at a customer premises 108 and digital wireless telephone systems 120 that enable a user of a digital telephone 122 to receive wireless commands to activate a message waiting indicator on the digital telephone 122 indicating storage of a voicemail message at the voicemail system 110. The message platform 112 is configured for generating a notification message to the digital wireless telephone network 120 serving mobile unit 122, where the mobile unit 122 is used by the voice subscriber. In addition, the message platform 112 can detect the notification request sent by the voicemail system 110 to the PBX 102 for illumination of the message-waiting indicator 112 (col. 7, line 8- col. 8, line 39; col. 9, line 61- col. 11, line 44). Since the wireless network 120 has the capability to transmit command to the digital telephone 122, and it also includes a short message service server 130, it is considered that the digital telephone 122 can be placed automatically in a call delay answering mode when it receives the command from the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Brilla to the communication system of Kennedy in order to allow a user the flexibility to receive conveniently an incoming wireless telephone call.

Regarding claims 19-25, Kennedy discloses a wireless communication device (fig. 1) comprising: means (12 of fig. 1 or 46, 42 of fig. 1) for receiving an incoming call from a calling party (col. 1, line 53- col. 2, line 29); and means for completing connection of the call (col. 4, lines 32- 45; figs. 13A-15; col. 5, line 17- col. 6, line 23; col. 9, line 12- col. 10, line 65; col. 14, lines 11- 64).

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However, Kennedy does not specifically disclose a means for determining whether to place the incoming call into a delay mode based on relative status information; and means for muting the call locally.

On the other hand, Brilla et al, from the same field of endeavor, shows in figure 2, a message platform 112 which is configured for integrating the advantages between a voicemail system 110 at a customer premises 108 and digital wireless telephone systems 120 that enable a user of a digital telephone 122 to receive wireless commands to activate a message waiting indicator on the digital telephone 122 indicating storage of a voicemail message at the voicemail system 110. The message platform 112 is configured for generating a notification message to the digital wireless telephone network 120 serving mobile unit 122, where the mobile unit 122 is used by the voice subscriber. In addition, the message platform 112 can detect the notification request sent by the voicemail system 110 to the PBX 102 for illumination of the message-waiting indicator 112 (col. 7, line 8- col. 8, line 39; col. 9, line 61- col. 11, line 44). Since the wireless network 120 has the capability to transmit command to the digital telephone 122, and it also includes a short message service server 130, it is considered that the digital telephone 122 can be placed automatically in a call delay answering mode when it receives the command from the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Brilla to the communication system of Kennedy in order to allow a user the flexibility to receive conveniently an incoming wireless telephone call.

Conclusion

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baiyor et al. US Patent No 6009159 discloses a system, apparatus and method for controlling the start of alerting of multiple leg telecommunication sessions, such as for providing concurrent alerting of outgoing call legs for a flexible alerting service.

Bartle et al. US Patent No 6188888 B1 discloses a charging unit for a cellular telephone that is provided with having means for connection to an electrical power source.

Lamp US Patent No 6157831 discloses a method and apparatus for implementing configurable call forwarding bins in a mobile telephone system.

Nordeman US Patent No 6134450 discloses a method of initializing a mobile communication device for making a dispatch call.

Amin US Patent No 6014559 discloses a method and system for delivering a voice mail notification to a private base station using cellular phone network.

Amin US Patent No 6006087 discloses a method and system for delivering a voice mail notification to a private base station using cellular phone network

Dunn et al. US Patent No 6138008 discloses a method for completing a telephone call originating from a calling party to a called party.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703- 306-3023. The examiner can normally be reached on Monday-Thursday 10-8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on 703-305-4385. The fax phone numbers for the


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organization where this application or proceeding is assigned are 703- 872-9314 for regular communications and 703- 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.


MARCEAU MILORD
October 1, 2002


EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
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